

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ORDER OF DISMISSAL

IT IS HEREBY ORDERED that plaintiff's motion to dismiss his complaint without prejudice is **GRANTED**. (Doc. 19.)

IT IS FURTHER ORDERED that plaintiff's Complaint is **DISMISSED** without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

IT IS FURTHER ORDERED that in the event the case is refiled, dismissal is conditioned upon the payment of defendant of its costs and attorneys' fees. See Belle-Midwest v. Missouri Prop. & Cas. Ins. Guar. Ass., 56 F.3d 977, 978-79 (8th Cir. 1995).

Charles A. Shaw
CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 6th day of September, 2005.